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Notice of Allowability

Application No.

10/774,899

Examiner

Allen C. Ho

Applicant(s)

SMITH ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 29 May 2007.
2. ☒ The allowed claim(s) is/are 1-3,5-35,40,41 and 43.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Allowable Subject Matter

1. Claims 1-3, 5-35, 40, 41, and 43 are allowed.
2. The following is an examiner's statement of reasons for allowance:

With regard to claims 1-3, 5-7, 40, 41, and 43, the prior art discloses an x-ray tube that comprises: an evacuated enclosure containing an electron source and an anode positioned to receive electrons produced by the electron source; and an outer housing containing the evacuated enclosure. However, the prior art fails to disclose a mounting assembly that comprises a first mounting portion and a second mounting portion comprising a clamp as claimed.

With regard to claims 8-15, the prior art discloses an x-ray tube that comprises: an evacuated enclosure containing an electron source and an anode positioned to receive electrons produced by the electron source; and an outer housing containing the evacuated enclosure. However, the prior art fails to disclose a mounting assembly that comprises a bracket portion and a clamp portion as claimed.

With regard to claim 16-20, the prior art discloses a method of joining an evacuated enclosure to a structure, the method comprises: attaching a clamp portion of a mounting assembly to a bracket portion of the mounting assembly such that an aperture defined in the clamp portion is aligned with an aperture defined in the bracket portion. However, the prior art fails to teach or fairly suggest that the evacuated enclosure includes a window assembly attached to an aperture defined in the evacuated enclosure, and a step of attaching the clamp portion of the mounting assembly to an extended segment of the window assembly attached to the evacuated

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enclosure such that a window located in the window assembly is aligned with the apertures of the clamp portion and the bracket portion as claimed.

With regard to claims 21-29, the prior art discloses an x-ray tube that comprises: an evacuated enclosure containing an electron source and a rotary anode positioned to receive electrons emitted by the electron source; a window assembly attached about an aperture formed in the evacuated enclosure comprising an x-ray transmissive window. However the prior art fails to disclose a mounting assembly that comprises a clamp portion and a bracket portion as claimed.

With regard to claims 30-35, the prior art discloses an x-ray generating device that comprises: a device body; an x-ray tube that includes an evacuated enclosure containing an electron source and a rotary anode positioned to receive electrons emitted by the electron source; and a mounting assembly that attaches the x-ray tube to the device body, the mounting assembly including a bracket portion that mechanically attaches to a portion of the device body, and a clamp portion that frictionally engages a portion of the evacuated enclosure proximate an x-ray transmissive window that is located on a surface of the evacuated enclosure, wherein the clamp portion is also mechanically attached to the bracket portion. However, the prior art fails to disclose a mounting assembly that singularly supports the evacuated enclosure in a specified position with respect to the device body as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Amendment

3. Applicant's amendments filed 29 May 2007 with respect to claim 6 have been fully considered and are persuasive. The objection of claim 6 has been withdrawn.
4. Applicant's amendments filed 29 May 2007 with respect to claims 10 and 11 have been fully considered and are persuasive. The objection of claims 10 and 11 has been withdrawn.
5. Applicant's amendments filed 29 May 2007 with respect to claim 15 have been fully considered and are persuasive. The objection of claim 15 has been withdrawn.
6. Applicant's amendments filed 29 May 2007 with respect to claims 28 and 29 have been fully considered and are persuasive. The rejection of claims 28 and 29 under 35 U.S.C. 112, second paragraph, has been withdrawn.
7. Applicant's amendments filed 29 May 2007 with respect to claims 1, 7, 40, 41, and 43 have been fully considered and are persuasive. The rejection of claims 1, 7, 40, 41, and 43 under 35 U.S.C. 102(b) as being anticipated by Findlay (U. S. Patent No. 2,344,543) has been withdrawn.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen C. Ho whose telephone number is (571) 272-2491. The examiner can normally be reached on Monday - Friday from 9:00 am - 6:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward J. Glick can be reached on (571) 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Allen C. Ho/
Primary Examiner
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14 June 2007